

Remarks

Reconsideration and allowance of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1, 3-8 and 10-44 are pending in the application. Claims 4-7 and 13-41 were withdrawn from consideration due to a restriction requirement. Claims 1, 8, 10-12 and 42-44 are under consideration, with claims 1, 42, 43 and 44 being the independent claims. No new matter has been added by the foregoing amendment.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the claims

In the Office Action, at page 2, claims 1, 8, 10-12 and 42-44 were objected to for the following informality: the use of the subscript number identifiers of the X amino acids allegedly make the claims unclear because they can be confused with the identifiers of the polypeptide fragments. Applicants would like to thank the Examiner for the courtesy of a telephone discussion with Applicants' representative, Lawrence Bugaisky on December 16, 2004. During that discussion it was noted that in claim 42, for example, reference to SEQ ID NO: 1 in part (c) should eliminate any confusion relating to the use of subscripts after "X," e.g., "X₀₁." It is assumed that similarly, the other objected claims which also refer to SEQ ID NO: 1 are no longer confusing and this objection will be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

In the Office Action, at page 2, claims 8, 42 and 44 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection.

In the office action, the Examiner made several suggested changes to the claims. Solely in an effort to expedite prosecution, and without acquiescing with the propriety of the rejection, Applicants have amended the claims in accordance with the Examiner's suggestions. Specifically, Applicants deleted the term "biologically active" from claim 8. Applicants have also replaced the term "thereof" in claims 42 and 44 with the term "of said polypeptide having an amino acid sequence of SEQ ID NO:1."

Applicants have also amended claims 42 and 44 to recite "N- or C- chemical derivatives," instead of "N- or C- derivatives," to make explicit that which was implicit in these claims. A description of "chemical derivatives" is found, *inter alia*, in the first paragraph on page 22 of the specification. Further information about such derivatives is found in the first full paragraph on page 30 and the second paragraph on page 36 of the specification.

In view of the foregoing amendments, Applicants respectfully request that the rejection of claims 1, 8, 10-12 and 42 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all

presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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